

ORDINANCE NO. 141

AN ORDINANCE PROHIBITING DOGS OFF THEIR OWNER'S PROPERTY WITHOUT A LEASH WITHIN THE CORPORATE LIMITS OF THE CITY OF IUKA, KANSAS; PROVIDING FOR ENFORCEMENT AND FINE.

WHEREAS, the Governing Body of the City of Iuka, Kansas, finds it would be in the public's best interest if the Governing Body of the City of Iuka, Kansas, passed an ordinance prohibiting dogs off their owner's property without a leash within the corporate limits of the City of Iuka, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF IUKA, KANSAS:

SECTION 1. DEFINITIONS. As used in this ordinance, unless the content clearly indicates otherwise:

- A. Owner means and includes a person who keeps, harbors, shelters, manages, possesses, or has a whole or part interest in any dog. If a minor is an owner, the head of the household of which such minor is a member shall be deemed the owner. A dog may have multiple owners.
- B. Keeps means allowing any dog to be fed within his or her home, store, yard, or in any other premise which he or she resides, owns, or controls.
- C. Leash means a thong, chain, cord, or thin rope for holding in restraint.

SECTION 2. ALLOWING A DOG WITHOUT A LEASH OFF THE OWNER'S PROPERTY IS UNLAWFUL. It shall be unlawful for a dog to be off the owner's property without a leash on the dog.

SECTION 3. PUBLIC OFFICER. The City Council shall designate a Public Officer to be charged with the administration and enforcement of this ordinance.

SECTION 4. INQUIRY INSPECTION. The Public Officer may make inquiry of people and inspection of premises upon receiving a complaint that a dog was off the owner's property within the City of Iuka.

SECTION 5. RIGHT OF ENTRY. It shall be a violation of this ordinance to deny the Public Officer the right of access and entry upon private property at any reasonable time for the purpose of making inquiry and/or inspection to determine if a dog is being kept on property within the City of Iuka.

SECTION 6. NOTICE. Any owner of a dog found by the Public Officer to be in violation of Section 2 shall be served a notice of such violation. The notice shall be served by restricted mail, postage prepaid, return receipt requested, or by personal service by the Public Officer or by personal service by a law enforcement officer. Restricted mail service is obtained upon mailing.

SECTION 7. SAME; CONTENTS. The notice shall state the condition(s) which was in violation of Section 2. The notice shall also inform the owner that:

A. He or she shall have ten (10) days from the date of service of the notice to request a hearing before the City Council of the matter as provided in Section 8.

B. Failure to request a hearing within the time allowed may result in impounding as provided by Section 9 and/or the imposition of a fine as provided in Section 10.

SECTION 8. HEARING. If a hearing is requested within the 10-day period as provided in Section 7, such request shall be made in writing to the City Council. Failure to make a timely request for a hearing, or to appear at a requested hearing shall constitute a waiver of the owner's right to contest the findings of the Public officer before the City Council. The hearing shall be held by the City Council as soon as possible after the filing of the request therefore, and the owner shall be advised by the city of the time and place of the hearing at least five (5) days in advance thereof. At any such hearing the owner may be represented by counsel, and the owner and the City may introduce such witnesses and evidence as is deemed necessary and proper by the City Council. The hearing need not be conducted according to the formal rules of evidence. The purpose of the hearing will be to determine if Section 2 of this ordinance has been violated. Assuming a violation of Section 2, impoundment as provided in Section 9 may be ordered and/or fines may be imposed, as provided in Section 10. Upon conclusion of the hearing, the City Council shall record its determination of the matter by entry in its minutes and oral announcement.

SECTION 9. IMPOUNDMENT. Following service of a notice pursuant to Section 7, in the event the owner does not request a hearing; or in the event at hearing a violation of Section 2 is found pursuant to Section 8; the Public Officer may capture, pick up, and impound the dog; which dog may be kept at any facility the Public Officer deems appropriate. The owner may retrieve the dog upon payment of all fines imposed and the reasonable costs of impoundment. In the event the dog is not retrieved within ten (10) days, the dog may be sold or otherwise disposed of by the Public Officer. In the event the dog is sold, the sale proceeds shall first be used to pay the impoundment expense; second, any fine and the balance shall be paid to the City's general fund.

SECTION 10. FINE. In the event the owner is found to be in violation of Section 2, a fine may be imposed by the City Council, not to exceed \$100.00 for each violation. The fine shall be paid to the City's general fund.

SECTION 11. ASSESSMENT OF COSTS OF IMPOUNDMENT AND/OR FINE. If the cost of impoundment and/or fine remains unpaid after thirty (30) days following either impoundment or the initial imposition of a fine, the City Clerk shall, at the time other special assessments are certified for placement on the tax rolls of the county, certify to the County Clerk the amount of the costs of impoundment and/or the amount of the fine; as an assessment against any lot or piece of land owned by the dog owner.

SECTION 12. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its adoption and publication of it or an Ordinance Summary in the official city newspaper, The Pratt Tribune.

PASSED AND ADOPTED, this 3rd day of SEPTEMBER,
2013.

Marsha Giggy
MAYOR MARSHA GIGGY
CITY OF IUKA

Attest:
(Seal)

Marjorie Buck
CLERK MARJORIE BUCK
CITY OF IUKA